

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

**GENERAL POWER OF ATTORNEY**  
(for several applications filed in the USPTO)

As a representative of the Assignee, Medtronic Spine LLC, a Delaware limited liability company, I hereby appoint the Practitioners associated with the Customer Number 000046333 to act as our attorneys or agents to prosecute applications filed under Customer Number 000046333 and transact all business in the Patent and Trademark Office connected herewith.

Please address all correspondence and telephone calls regarding this application to:

**Haynes and Boone, LLP**  
901 Main Street, Suite 3100  
Dallas, TX 75202-3789  
(972) 680-7557  
(214) 200-0853 – Fax  
[ipdocketing@haynesboone.com](mailto:ipdocketing@haynesboone.com)

The undersigned is the representative for the Assignee of the entire right, title, and interest in the patent application submitted herewith. A copy of the assignment or other documents in the chain of title, if applicable, are attached.

The undersigned (whose title is supplied below) is authorized to act on behalf of the Assignee.

May 20, 2008  
Date

By: Noreen C. Johnson  
Noreen C. Johnson

Vice President

Title

## POWER OF ATTORNEY TO PROSECUTE APPLICATIONS BEFORE THE USPTO

I hereby revoke all previous powers of attorney given in the application identified in the attached statement under 37 CFR 3.73(b).

I hereby appoint:

Practitioners associated with the Customer Number:

000046333

OR

Practitioner(s) named below (if more than ten patent practitioners are to be named, then a customer number must be used):

Name	Registration Number		Name	Registration Number

as attorney(s) or agent(s) to represent the undersigned before the United States Patent and Trademark Office (USPTO) in connection with any and all patent applications assigned only to the undersigned according to the USPTO assignment records or assignment documents attached to this form in accordance with 37 CFR 3.73(b).

Please change the correspondence address for the application identified in the attached statement under 37 CFR 3.73(b) to:

The address associated with Customer Number:

000046333

OR

<input type="checkbox"/> Firm or Individual Name			
Address			
City		State	Zip
Country			
Telephone		Email	

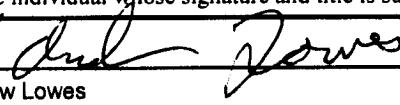
Assignee Name and Address:

Medtronic Spine LLC  
2711 Centerville Road, Suite 400  
Wilmington, DE 19808

A copy of this form, together with a statement under 37 CFR 3.73(b) (Form PTO/SB/96 or equivalent) is required to be filed in each application in which this form is used. The statement under 37 CFR 3.73(b) may be completed by one of the practitioners appointed in this form if the appointed practitioner is authorized to act on behalf of the assignee, and must identify the application in which this Power of Attorney is to be filed.

## SIGNATURE of Assignee of Record

The individual whose signature and title is supplied below is authorized to act on behalf of the assignee

Signature		Date	May 2, 2008
Name	J. Andrew Lowes	Telephone	972-680-7557
Title	Appointed Practitioner		

This collection of information is required by 37 CFR 1.31, 1.32 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

**STATEMENT UNDER 37 CFR 3.73(b)**Applicant/Patent Owner: LAYNE, et al.Application No./Patent No.: 09/828,470 Filed/Issue Date: April 6, 2001

Entitled: Platform Cannula for Guiding the Expansion of Expandable Bodies and Method of Use

Medtronic Spine LLC \_\_\_\_\_, a \_\_\_\_\_ corporation  
 (Name of Assignee) \_\_\_\_\_ (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1.  the assignee of the entire right, title, and interest; or
2.  an assignee of less than the entire right, title and interest  
 (The extent (by percentage) of its ownership interest is \_\_\_\_\_ %)

in the patent application/patent identified above by virtue of either:

A.  An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

**OR**

B.  A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

1. From: LAYNE, SCRIBNER, AND RALPH To: Kyphon Inc.  
 The document was recorded in the United States Patent and Trademark Office at  
 Reel 012034, Frame 0252, or for which a copy thereof is attached.

2. From: Kyphon Inc. To: Medtronic Spine LLC  
 The document was recorded in the United States Patent and Trademark Office at  
 Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached. NAME CHANGE DOCUMENTS ATTACHED

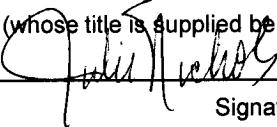
3. From: \_\_\_\_\_ To: \_\_\_\_\_  
 The document was recorded in the United States Patent and Trademark Office at  
 Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

Additional documents in the chain of title are listed on a supplemental sheet.

As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

  
 Signature
Julie M. Nickols, Registration No. 50,826

Printed or Typed Name

5/27/08

Date

(972) 739-8640

Telephone Number

Appointed PractitionerTitle

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

# Delaware

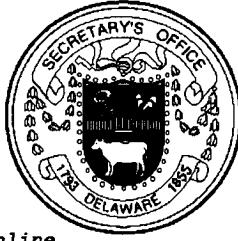
PAGE 1

*The First State*

**I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE DO HEREBY CERTIFY THAT THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF CONVERSION OF A DELAWARE CORPORATION UNDER THE NAME OF "KYPHON INC." TO A DELAWARE LIMITED LIABILITY COMPANY, CHANGING ITS NAME FROM "KYPHON INC." TO "MEDTRONIC SPINE LLC", FILED IN THIS OFFICE ON THE EIGHTEENTH DAY OF JANUARY, A.D. 2008, AT 10:17 O'CLOCK A.M.**

2367517 8100V

080059645



You may verify this certificate online  
at [corp.delaware.gov/authver.shtml](http://corp.delaware.gov/authver.shtml)

*Harriet Smith Windsor*

Harriet Smith Windsor, Secretary of State

**AUTHENTICATION: 6324050**

**DATE: 01-18-08**

State of Delaware  
Secretary of State  
Division of Corporations  
Delivered 10:17 AM 01/18/2008  
FILED 10:17 AM 01/18/2008  
SRV 080059645 - 2367517 FILE

**CERTIFICATE OF CONVERSION  
OF  
KYPHON INC.**

*(Pursuant to Section 18-214 of the Delaware Limited Liability Company Act)*

THIS CERTIFICATE OF CONVERSION relates to the conversion of Kyphon Inc., a corporation organized and existing under the laws of the State of Delaware (the "Company"), into a Delaware limited liability company pursuant to Section 18-214 of the Limited Liability Company Act of the State of Delaware. The Company does hereby certify as follows:

FIRST: The name of the Company is "Kyphon Inc."

SECOND: The Company was initially incorporated in the State of Delaware on January 10, 1994.

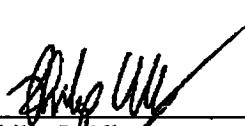
THIRD: The name of the limited liability company shall be "Medtronic Spine LLC."

FOURTH: The conversion of the Company into a Delaware limited liability company has been approved pursuant to Section 18-214 of the Limited Liability Company Act of the State of Delaware.

\*\*\*

IN WITNESS WHEREOF, the undersigned has executed this Certificate of Conversion on behalf of the Company as of this 18 day of January, 2008.

**KYPHON INC.**

By:   
Name: Philip J. Albert  
Title: Vice President

# Delaware

PAGE 2

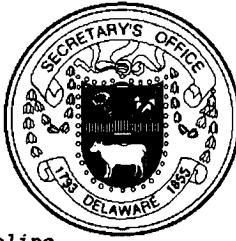
*The First State*

**I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF  
DELAWARE DO HEREBY CERTIFY THAT THE ATTACHED IS A TRUE AND  
CORRECT COPY OF CERTIFICATE OF FORMATION OF "MEDTRONIC SPINE  
LLC" FILED IN THIS OFFICE ON THE EIGHTEENTH DAY OF JANUARY, A.D.  
2008, AT 10:17 O'CLOCK A.M.**

2367517 8100V

080059645

You may verify this certificate online  
at [corp.delaware.gov/authver.shtml](http://corp.delaware.gov/authver.shtml)



*Harriet Smith Windsor*

Harriet Smith Windsor, Secretary of State

**AUTHENTICATION: 6324050**

**DATE: 01-18-08**

State of Delaware  
Secretary of State  
Division of Corporations  
Delivered 10:17 AM 01/18/2008  
FILED 10:17 AM 01/18/2008  
SRV 080059645 - 2367517 FILE

**CERTIFICATE OF FORMATION  
OF  
MEDTRONIC SPINE LLC**

*(Pursuant to Section 18-201 of the Delaware Limited Liability Company Act)*

THIS CERTIFICATE OF FORMATION of Medtronic Spine LLC, dated as of January 18, 2008, has been duly executed and filed by the undersigned, an authorized person, to form a limited liability company under the Delaware Limited Liability Company Act (6 Del. C. §18-101, *et seq.*).

**FIRST:** The name of the limited liability company formed hereby is Medtronic Spine LLC (the "Company").

**SECOND:** The address of the Company's registered office in the State of Delaware is 2711 Centerville Road, Suite 400, Wilmington, DE 19808.

**THIRD:** The name and address of the Company's registered agent for service of process on the Company in the State of Delaware is Corporation Service Company, 2711 Centerville Road, Suite 400, Wilmington, DE 19808.

\*\*\*

IN WITNESS WHEREOF, the undersigned has executed this Certificate of Formation on behalf of the Company as of this 18day of January, 2008.

**MEMBER**

Medtronic Spine International Holding  
Company

By:   
Name: Robert Jordheim  
Title: Director